

DRAFT RECODIFICATION

Title 79 RCW PUBLIC LANDS

Chapter 79.38 RCW ACCESS ROADS

RCW 79.38.010 Acquisition of property for access to public or state forest lands from public highway.

In addition to any authority otherwise granted by law, the department of ~~natural resources~~ shall have the authority to acquire lands, interests in lands, and other property for the purpose of affording access by road to public lands or state forest lands from any public highway.

[1961 c 44 § 1.]

RCW 79.38.020 ~~Department's powers—Exchange of easement rights—Provide, maintain, or dispose of access roads.~~

To facilitate the carrying out of the purpose of this chapter, the department of ~~natural resources~~ may:

- (1) Grant easements, rights of way, and permits to cross public lands and state forest lands to any person in exchange for similar rights over lands not under its jurisdiction;
- (2) Enter into agreements with any person or agency relating to purchase, construction, reconstruction, maintenance, repair, regulation, and use of access roads or public roads used to provide access to public lands or state forest lands;
- (3) Dispose, by sale, exchange, or otherwise, of any interest in an access road in the event it determines such interest is no longer necessary for the purposes of this chapter.

[1981 c 204 § 1; 1961 c 44 § 2.]

RCW 79.38.030 Use of roads by purchasers of valuable materials—~~Terms—Charges.~~

Purchasers of valuable materials from public lands or state forest lands may use access roads or public roads for the removal of such materials where the rights acquired by the state will permit, but use shall be subject to the right of the department of ~~natural resources~~:

- (1) To impose reasonable terms for the use, construction, reconstruction, maintenance, and repair of such access roads; and
- (2) To impose reasonable charges for the use of such access roads or public roads which have been constructed or reconstructed through funding by the department of ~~natural resources~~.

[1981 c 204 § 2; 1961 c 44 § 3.]

RCW 79.38.040 Permits for use of roads—Regulations.

Whenever the department ~~of natural resources~~ finds that it is for the best interest of the state and where the rights acquired by the state will permit, the department may grant permits for the use of access roads to any person. Any permit issued under the authority of this section shall be subject to reasonable regulation by the department. Such regulation shall include, but is not limited to, the following matters:

- (1) Requirements for construction, reconstruction, maintenance, and repair;
- (2) Limitations as to extent and time of use;
- (3) Provision for revocation at the discretion of the department; and
- (4) Charges for use.

[1961 c 44 § 4.]

RCW 79.38.050 Access road revolving fund—Composition—Use.

The department ~~of natural resources~~ shall create, maintain, and administer a revolving fund, to be known as the access road revolving fund in which shall be deposited all moneys received by it from users of access roads as payment for costs incurred or to be incurred in maintaining, repairing, and reconstructing access roads, or public roads used to provide access to public lands or state forest lands. The department may use moneys in the fund for the purposes for which they were obtained without appropriation by the legislature.

[1981 c 204 § 3; 1961 c 44 § 5.]

RCW 79.38.060 Use of moneys not deposited in revolving fund.

All moneys received by the department ~~of natural resources~~ from users of access roads which are not deposited in the access road revolving fund shall be paid as follows:

- (1) To reimburse the state fund or account from which expenditures have been made for the acquisition, construction or improvement of the access road or public road, and upon full reimbursement, then
- (2) To the funds or accounts for which the public lands and state forest lands, to which access is provided, are pledged by law or constitutional provision, in which case the department ~~of natural resources~~ shall make an equitable apportionment between funds and accounts so that no fund or account shall benefit at the expense of another.

[1981 c 204 § 4; 1961 c 44 § 6.]

RCW ~~76.12.180~~ 79.38.070 Department-county agreements for improvement of access roads.

The department ~~of natural resources~~ may enter into agreements with the county to:

- (1) Identify public roads used to provide access to state forest lands in need of improvement;
- (2) Establish a time schedule for the improvements;
- (3) Advance payments to the county to fund the road improvements: PROVIDED, That

no more than fifty percent of the access road revolving fund shall be eligible for use as advance payments to counties. The department shall assess the fund on January 1 and July 1 of each year to determine the amount that may be used as advance payments to counties for road improvements; and

(4) Determine the equitable distribution, if any, of costs of such improvements between the county and the state through negotiation of terms and conditions of any resulting repayment to the fund or funds financing the improvements.

[1981 c 204 § 5.]

RCW ~~79.38.900~~ 79.36.900 Severability--1961 c 44.

If any provisions of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1961 c 44 § 7.]